

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

SUSAN MARIE LUCKY,	)	
	)	CASE NO. 5:12CV1888
Plaintiff,	)	
	)	
v.	)	JUDGE CHRISTOPHER BOYKO
	)	
CAROLYN W. COLVIN,	)	MAGISTRATE JUDGE GREG WHITE
Acting Commissioner of Social Security,	)	
	)	
Defendant.	)	<b><u>REPORT &amp; RECOMMENDATION</u></b>

On April 29, 2013, the Court issued a Report & Recommendation that the final decision of the Commissioner be affirmed in part, vacated in part, and the case remanded for further proceedings. (Doc. No. 13.) Neither party filed Objections. (Doc. No. 14.) On May 20, 2013, an Order was entered adopting the Report & Recommendation. (Doc. No. 15.)

Thereafter, Plaintiff, through counsel, Grant E. Felbaum, filed an application for attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), requesting \$4,213.81. (Doc. No. 16.) Plaintiff's application was referred to this Court for a Report & Recommendation. (Doc. No. 18.) Subsequently, on July 9, 2013, the Acting Commissioner of Social Security ("Commissioner") and Plaintiff filed a "Joint Stipulation to Award Attorney Fees" under the EAJA. (Doc. No. 20.)

Pursuant to the joint stipulation of the parties, it is recommended that Plaintiff be awarded attorney fees in the amount of \$3,800.00 and costs in the amount of \$350.00 in full satisfaction and settlement of any and all claims Plaintiff may have under the EAJA in the above case.

It is further recommended the Court find as follows: The award of attorney fees satisfies all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this matter. The fees paid belong to Plaintiff and not her attorney and can be offset to satisfy pre-existing debt that the litigant may owe the United States under *Astrue v. Ratliff*, 560 U.S. \_\_\_, 130 S.Ct. 2521 (2010). After entry of this EAJA award, if counsel for the parties can verify that Plaintiff owes no pre-existing debt subject to offset, the Commissioner shall direct that the award be made payable to Plaintiff's attorney pursuant to the fee assignment duly signed by Plaintiff and counsel.

s/ Greg White  
U.S. Magistrate Judge

Date: July 9, 2013

## OBJECTIONS

**Any objections to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days after being served with a copy of this Report and Recommendation. Failure to file objections within the specified time may waive the right to appeal the District Court's order. See *United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981). See also *Thomas v. Arn*, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).**